

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	
PLAINTIFF,	:	CASE NO. C-1-02-367
V.	:	(consolidated with C-1-02-359,
	:	C-1-02-388, C-1-02-431, and
	:	C-1-02-474)
REAL PROPERTY KNOWN AND	:	
NUMBERED AS 2467 LEGENDS WAY,	:	SENIOR JUDGE SPIEGEL
CRESTVIEW HILLS, KENTON	:	
COUNTY, KENTUCKY , WITH ALL	:	
APPURTEANCES, IMPROVEMENTS,	:	
AND ATTACHMENTS THEREON, et al.,	:	
DEFENDANTS.	:	
	:	

UNITED STATES' MOTION TO DISMISS STOCK CERTIFICATES #2143 AND #2144

The United States, by and through the undersigned United States Attorney for the Southern District of Ohio, moves this Court pursuant to Fed.R.Civ.P. 41(a)(2) for an order dismissing from this consolidated civil forfeiture action the following stock certificates: 1.) Certificate #2143 for 16,893 shares of stock in Peoples Bancorporation of Northern Kentucky, Inc. in the name of John O. Finnian; and 2.) Certificate #2144 for 19,708 shares of stock in Peoples Bancorporation of Northern Kentucky, Inc. in the name of John O. Finnian (together "the subject property").

In the Plea Agreement in the criminal case in which John O. Finnian pled guilty in the Eastern District of Kentucky (04-cr-46), he promised to relinquish the subject property to Peoples Bank of Northern Kentucky, Inc. (successor to Peoples Bankcorporation of Northern Kentucky, Inc.). In return for the promise of John O. Finnian in the criminal case to relinquish the subject property to Peoples Bank of Northern Kentucky, Inc., the United States agreed not to

forfeit the subject property in 1:02-cv-367. On June 23, 2004, John O. Finnан executed a Consent Judgment of Forfeiture in the consolidated civil forfeiture case (Doc. 152), agreeing to relinquish the subject property to Peoples Bank of Northern Kentucky, Inc. Upon the Court's dismissal of the subject property in this consolidated civil forfeiture action, the United States will release the subject property to Peoples Bank of Northern Kentucky, Inc. as required by the Plea Agreement and the Consent Judgment of Forfeiture.

No person other than John O. Finnан has made a claim to the subject property in this consolidated civil forfeiture action.

Therefore, the United States respectfully requests that the Court issue an order dismissing the subject property from this consolidated civil forfeiture action.

Respectfully submitted,

GREGORY G. LOCKHART
United States Attorney

s/Kathleen M. Brinkman
KATHLEEN M. BRINKMAN (0016269)
Assistant United States Attorney
Attorney for Plaintiff
221 East Fourth Street, Suite 400
Cincinnati, Ohio 45202
(513) 684-3711
Fax: (513) 684-6385
Kathleen.Brinkman@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss was served on this 1st day of October, 2004, electronically on: Richard Boydston; Kent Allen Britt; Susan Grogan Faller; Thomas D. Heekin; Geraldine M. Johnson; Earl K. Messer; James L. Nieberding; Cynthia M. Roselle; Jeffrey S. Rosenstiel; Michael L. Scheier; and Glenn V. Whitaker; and by regular U.S. Mail on the following:

Harry P. Hellings, Jr.
Attorney for Marc & Alice Menne
214 East Fourth Street
Covington, Kentucky 41011

James T. Hodge
Attorney for Union Planters Bank, N.A.
Wyatt, Tarrant & Combs, LLP
250 West Main Street, Suite 1600
Lexington, Kentucky 40502

John R. Kummer
Attorney for First National Bank of N. KY
Ware, Bryson, West & Kummer, PLLC
157 Barnwood Drive
P.O. Box 17718
Edgewood, Kentucky 41017

Tamara A. Miano
Attorney for U.S. Bank, N.A.
Taft, Stettinius & Hollister LLP
425 Walnut Street, Suite 1800
Cincinnati, Ohio 45202

Susan J. Moeller
Attorney for Provident Bank
Keating, Muething & Klekamp, P.L.L.
1400 Provident Tower
One East Fourth Street
Cincinnati, Ohio 45202

John A. Schuh
Attorney for John & Susan Finnian
Schuh & Goldberg, LLP
2662 Madison Road
Cincinnati, Ohio 45208

Michael T. Sutton
Attorney for Lisa Hellman
Sutton, Hicks, Lucas, Grayson & Braden
130 Dudley Road
Edgewood, Kentucky 41017

Dennis R. Williams
Attorney for Fifth Third Bank, Western Ohio
Adams, Stepner, Woltermann & Gusind
40 West Pike Street
Covington, Kentucky 41012

Bruce R. Schrader, II
Attorney for Bellavista at Gulf Harbour Yacht &
Country Club Condo. Assoc.
Roetzell & Andress
75 East Market Street
Akron, Ohio 44308

s/Kathleen M. Brinkman
KATHLEEN M. BRINKMAN (0016269)
Assistant United States Attorney